

109TH CONGRESS
2D SESSION

H. R. 6419

To prevent nuclear terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2006

Mrs. TAUSCHER (for herself, Mr. SPRATT, Mr. BERMAN, Mr. MEEHAN, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Select Committee on Intelligence (Permanent Select) and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent nuclear terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Terrorism
5 Prevention Act of 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Convention on the Physical Pro-
9 tection of Nuclear Material” means the Convention

1 on the Physical Protection of Nuclear Material,
2 signed at New York and Vienna March 3, 1980.

3 (2) The term “design-basis threat” means a
4 profile of the type, composition, and capabilities of
5 an adversary.

6 (3) The term “formula quantities of strategic
7 special nuclear material” means uranium-235 (con-
8 tained in uranium enriched to 20 percent or more in
9 the U-235 isotope), uranium-233, or plutonium in
10 any combination in a total quantity of 5,000 grams
11 or more computed by the formula, grams = (grams
12 contained U-235) + 2.5 (grams U-233 + grams
13 plutonium), as set forth in the definitions of “for-
14 mula quantities” and “strategic special nuclear ma-
15 terial” in section 73.2 of title 10, Code of Federal
16 Regulations.

17 (4) The term “Nuclear Non-Proliferation Trea-
18 ty” means the Treaty on the Non-Proliferation of
19 Nuclear Weapons, done at Washington, London, and
20 Moscow July 1, 1968, and entered into force March
21 5, 1970 (21 UST 483).

22 (5) The term “nuclear weapon” means any de-
23 vice utilizing atomic energy, exclusive of the means
24 for transporting or propelling the device (where such
25 means is a separable and divisible part of the de-

1 vice), the principal purpose of which is for use as,
2 or for the development of, a weapon, a weapon pro-
3 totype, or a weapon test device.

4 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

6 (1) The possibility that terrorists may acquire
7 and use a nuclear weapon against the United States
8 is an urgent threat to the security of our nation and
9 the world.

10 (2) Existing programs intended to secure, mon-
11 itor, and reduce nuclear stockpiles, redirect nuclear
12 scientists, and interdict nuclear smuggling have
13 made substantial progress, but additional efforts are
14 needed to reduce the threat of nuclear terrorism as
15 much as possible.

16 (3) The September 2006 “National Strategy for
17 Combating Terrorism” issued by the White House
18 states, “Weapons of mass destruction in the hands
19 of terrorists is one of the gravest threats we face.”

20 (4) United Nations Secretary-General Kofi
21 Annan has said that a nuclear terror attack “would
22 not only cause widespread death and destruction,
23 but would stagger the world economy and thrust
24 tens of millions of people into dire poverty”.

1 (5) United Nations Security Council Resolution
2 1540 (2004) reaffirms the need to combat by all
3 means, in accordance with the Charter of the United
4 Nations, threats to international peace and security
5 caused by terrorist acts and directs that all coun-
6 tries, in accordance with their national procedures,
7 shall adopt and enforce effective laws that prohibit
8 any non-state actor from manufacturing, acquiring,
9 possessing, developing, transporting, transferring, or
10 using nuclear, chemical, or biological weapons and
11 their means of delivery, in particular for terrorist
12 purposes, and to prohibit attempts to engage in any
13 of the foregoing activities, participate in them as an
14 accomplice, or assist or finance them.

15 (6) The Director General of the International
16 Atomic Energy Agency, Dr. Mohammed El Baradei,
17 has said that it is a “race against time” to prevent
18 a terrorist attack using a nuclear weapon.

19 **SEC. 4. SENSE OF CONGRESS ON THE PREVENTION OF NU-**
20 **CLEAR TERRORISM.**

21 It is the sense of Congress that—

22 (1) the threat of nuclear terror is the most hor-
23 rific threat the United States faces;

24 (2) the United States must take a comprehen-
25 sive approach to reducing this danger, including ad-

1 ditional efforts to identify and eliminate terrorist
2 groups that aim to acquire nuclear weapons, to en-
3 sure that nuclear weapons and formula quantities of
4 strategic special nuclear material around the world
5 are secure and accounted for to a degree sufficient
6 to defeat the threat that terrorists and criminals
7 have shown they can pose, and to increase the ability
8 to find and stop terrorist efforts to manufacture nu-
9 clear explosives or to transport nuclear explosives
10 and materials anywhere in the world;

11 (3) within such a comprehensive strategy, a
12 high priority must be placed on ensuring that all nu-
13 clear weapons and formula quantities of strategic
14 special nuclear material worldwide are secure and
15 accounted for;

16 (4) the President should make the prevention of
17 a nuclear terrorist attack on the United States of
18 the highest priority;

19 (5) the President should accelerate programs,
20 requesting additional funding as appropriate, to pre-
21 vent nuclear terrorism, including combating nuclear
22 smuggling and securing formula quantities of stra-
23 tegic special nuclear material wherever they may be;

24 (6) the International Atomic Energy Agency
25 plays a vital role in coordinating international efforts

1 to protect nuclear materials and combat nuclear
2 smuggling and should be funded appropriately to
3 fulfill that role; and

4 (7) legislation sponsored by Senator Richard
5 Lugar, Senator Pete Domenici, and former Senator
6 Sam Nunn has resulted in groundbreaking programs
7 to ensure that nuclear weapons do not fall into the
8 hands of terrorists.

9 **SEC. 5. SENIOR ADVISOR TO THE PRESIDENT FOR THE**
10 **PREVENTION OF NUCLEAR TERRORISM.**

11 (a) IN GENERAL.—Title I of the National Security
12 Act of 1947 (50 U.S.C. 402 et seq.) is amended by insert-
13 ing after section 101A the following new section:

14 “SENIOR ADVISOR TO THE PRESIDENT FOR THE
15 PREVENTION OF NUCLEAR TERRORISM

16 “SEC. 101B. (a) IN GENERAL.—There is a Senior
17 Advisor to the President for the Prevention of Nuclear
18 Terrorism, who shall be appointed by the President by and
19 with the advice and consent of the Senate.

20 “(b) DUTIES.—The Senior Advisor to the President
21 shall—

22 “(1) advise the President on all matters relat-
23 ing to nuclear terrorism;

24 “(2) formulate United States policies for pre-
25 venting nuclear terrorism, including by—

1 “(A) developing plans, including measur-
2 able milestones and targets to which depart-
3 ments and agencies can be held accountable, to
4 better prevent nuclear terrorism;

5 “(B) finding and fixing gaps, duplication,
6 and inefficiencies in existing programs and tak-
7 ing other steps to overcome obstacles to acceler-
8 ated progress to prevent nuclear terrorism;

9 “(C) overseeing the development, by the
10 relevant Federal departments and agencies, of
11 accelerated and strengthened program imple-
12 mentation strategies and diplomatic strategies;

13 “(D) overseeing the development of budget
14 requests for these programs and ensuring that
15 they adequately reflect the priority of the prob-
16 lem; and

17 “(E) identifying such new initiatives as
18 may be needed; and

19 “(3) coordinate United States efforts to imple-
20 ment such policies.

21 “(c) STAFF.—The Senior Advisor to the President
22 may appoint and terminate such personnel as may be nec-
23 essary to enable the Senior Advisor to perform his or her
24 duties.”.

1 (b) SENIOR ADVISOR AS MEMBER OF NATIONAL SE-
 2 CURITY COUNCIL.—Section 101(a) of such Act (50 U.S.C.
 3 402(a)) is amended—

4 (1) in paragraph (6), by striking “and”;
 5 (2) by redesignating paragraph (7) as para-
 6 graph (8); and
 7 (3) by inserting after paragraph (6) the fol-
 8 lowing new paragraph:

9 “(7) the Senior Advisor to the President for the
 10 Prevention of Nuclear Terrorism; and”.

11 (c) CLERICAL AMENDMENT.—The table of contents
 12 in the first section of such Act is amended by inserting
 13 after the item relating to section 101A the following new
 14 item:

“Sec. 101B. Senior Advisor to the President for the Prevention of Nuclear Ter-
 rorism.”.

15 **SEC. 6. ANNUAL REPORT.**

16 (a) IN GENERAL.—Not later than September 1 of
 17 each year, the President, in consultation with the Senior
 18 Advisor to the President for the Prevention of Nuclear
 19 Terrorism, shall submit to Congress a report on the secu-
 20 rity of formula quantities of strategic special nuclear ma-
 21 terial.

22 (b) CONTENT.—The report required under subsection
 23 (a) shall include the following:

(1) A section on the program for the removal and security of nuclear weapons, formula quantities of strategic special nuclear materials, and radiological materials established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)) including—

(A) a survey by the Senior Advisor to the President of the facilities and sites worldwide that contain nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, or related equipment;

(B) a list of sites determined by the Senior Advisor to the President to be of the highest priority, taking into account risk of theft from such sites, for removal or security of proliferation-attractive fissile materials, nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, or related equipment, organized by level of priority;

(C) a plan, including technical, diplomatic, and other means for the securing or removal of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment at vulnerable facilities

1 and sites worldwide, including measurable mile-
2 stones, metrics, and estimated costs for the im-
3 plementation of the plan; and

4 (D) a description of the efforts of the gov-
5 ernments of such countries to secure such ma-
6 terial.

7 (2) A section on efforts to establish and imple-
8 ment the security standard and related policies de-
9 scribed under section 7.

10 (c) FORM.—The report may be submitted in classi-
11 fied form but shall include a detailed unclassified sum-
12 mary.

13 **SEC. 7. MINIMUM SECURITY STANDARD FOR NUCLEAR**
14 **WEAPONS AND FORMULA QUANTITIES OF**
15 **STRATEGIC SPECIAL NUCLEAR MATERIALS.**

16 (a) POLICY.—It is the policy of the United States to
17 take all possible steps to ensure, as rapidly as possible,
18 that all nuclear weapons and formula quantities of stra-
19 tegic special nuclear materials are secure and accounted
20 for.

21 (b) INTERNATIONAL NUCLEAR SECURITY STAND-
22 ARD.—In furtherance of the policy described in subsection
23 (a), and consistent with the requirement for “appropriate
24 effective” physical protection contained in United Nations
25 Security Council Resolution 1540 (2004), as well as the

1 Nuclear Non-Proliferation Treaty and the Convention on
2 the Physical Protection of Nuclear Material, the Presi-
3 dent, acting through the Senior Advisor to the President
4 for the Prevention of Nuclear Terrorism, shall seek the
5 broadest possible international agreement on a global
6 standard for nuclear security that—

7 (1) ensures that nuclear weapons and formula
8 quantities of strategic special nuclear material are
9 effectively protected against the threats posed by
10 terrorists and criminals;

11 (2) takes into account the limitations of equip-
12 ment and human performance; and

13 (3) is verifiable, providing confidence that the
14 needed measures have in fact been implemented.

15 (c) INTERNATIONAL EFFORTS.—In furtherance of
16 the policy described in subsection (a), the President, act-
17 ing through the Senior Advisor to the President for the
18 Prevention of Nuclear Terrorism, shall—

19 (1) work with other countries and the Inter-
20 national Atomic Energy Agency to assist, and if nec-
21 essary convince, the governments all countries where
22 nuclear weapons or formula quantities of strategic
23 special nuclear material exist to ensure that security
24 is upgraded to meet the standard described in sub-
25 section (b) as rapidly as possible and in such a man-

1 ner that these measures are sustained after United
2 States and other international assistance ends;

3 (2) ensure that United States financial and
4 technical assistance is available to countries where
5 the provision of such assistance would accelerate the
6 implementation of, or improve the effectiveness of,
7 such security upgrades; and

8 (3) seek to work with the governments of other
9 countries to ensure that effective nuclear security
10 rules, accompanied by effective regulation and en-
11 forcement, are put in place concerning all nuclear
12 weapons and formula quantities of strategic special
13 nuclear materials worldwide, including the imple-
14 mentation of a regulatory design-basis threat (DBT)
15 model in countries with nuclear weapons or formula
16 quantities of strategic special nuclear materials that
17 is designed to defeat the threats posed by terrorists
18 and criminals.

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Sec-
21 retary of Energy for fiscal year 2008, \$50,000,000—

22 (1) to increase international participation in ef-
23 forts to convert nuclear facilities that operate using
24 highly enriched uranium to operation using low en-
25 riched uranium; and

- 1 (2) to remove highly enriched uranium from
- 2 such facilities.

